

UNITED STATES DEPARTMENT OF JUSTICE  
OFFICE OF THE UNITED STATES TRUSTEE  
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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

IN RE:	§	CASE NUMBER:
	§	
LAWRENCE J. WEDEKIND	§	09-32057-H4-11
	§	(Chapter 11)
Debtor	§	

**MOTION FOR AN ORDER DIRECTING THE DEBTOR TO SHOW CAUSE WHY THIS  
CASE SHOULD NOT BE DISMISSED OR CONVERTED FOR FAILURE TO FILE A  
DISCLOSURE STATEMENT AND PLAN OF REORGANIZATION**

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**BLR 9013 NOTICE:** THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 20 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

THIS MATTER IS SET FOR HEARING BEFORE THE HONORABLE JEFF BOHM ON OCTOBER 20, 2009 AT 10:00 AM. IN COURTROOM 600, BOB CASEY FEDERAL COURTHOUSE, 515 RUSK, HOUSTON, TEXAS 77002

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TO THE HONORABLE JEFF BOHM  
UNITED STATES BANKRUPTCY JUDGE:

The United States Trustee for the Southern District of Texas ("UST"), by and through the undersigned counsel, moves the Court for an Order Directing Debtor To Show Cause Why This Case Should Not Be Dismissed Or Converted For Failure To File A Disclosure Statement And Plan Of Reorganization and respectfully represents as follows:

### **I. Factual Background**

1. Lawrence J. Wedekind ("Debtor") filed a voluntary petition seeking relief under chapter 11 of the Bankruptcy Code on March 31, 2009. Since that time, Debtor has operated as Debtor in Possession.
2. Debtor was Ordered to file a Disclosure Statement and Plan of Reorganization on or before September 24, 2009.
3. Debtor has not filed a Disclosure Statement and Plan of Reorganization.

### **II. RELIEF SOUGHT**

4. The United States Trustee seeks an Order Directing Debtor To Show Cause Why This Case Should Not Be Dismissed Or Converted For Failure To File A Disclosure Statement and Plan Of Reorganization .

### **III. BASIS FOR RELIEF**

5. This Court entered an Order Regarding Status Conference Held On April 22, 2009 (docket no. 18).

6. Said Order provides, in part:

**“ORDERED** that the Debtor, on or before **September 28, 2009** shall file with the Court a disclosure statement and a plan of reorganization. The Court for cause shown may in its discretion order said period enlarged only upon motion made before the expiration of said period or as enlarged by a previous order. If the Debtor fails to file a disclosure statement and a plan of reorganization within said period or fails to obtain an order from this Court enlarging said period, this case shall be set for a hearing by the Court *sua sponte* or upon submission of a motion, declaration and order by the United States Trustee or other party-in-interest, at which time the Debtor shall appear and show cause why this case should not be dismissed or converted to a case under chapter 7 pursuant to 11 U.S.C. § 1112”.

7. Debtor has failed to file a Disclosure Statement and Plan of Reorganization on or before September 28, 2009.

8. Section 1112(b) sets forth grounds for dismissal or conversion of a chapter 11 case. It provides, in pertinent part, that a chapter 11 case may be dismissed or converted if the movant establishes cause.

9. Section 1112(b)(4) provides cause includes -

(E). failure to comply with an order of the court

10. Cause exists because debtor has failed to comply with the Court's April 22, 2009 Order (docket no. 18).

**V. PRAYER**

WHEREFORE, the United States Trustee prays after notice and hearing, this Court issue an Order Directing Debtor To Show Cause Why This Case Should Not Be Dismissed Or Converted For Failure To File A Disclosure Statement and Plan Of Reorganization pursuant to 11 U.S.C. § 1112.

Dated: October 7, 2009

Respectfully Submitted,

CHARLES F. MCVAY  
UNITED STATES TRUSTEE

By: /s/ Stephen D. Statham  
Stephen D. Statham  
Trial Attorney  
Texas Bar No. 19082500  
515 Rusk, Suite 3516  
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **MOTION FOR AN ORDER DIRECTING THE DEBTOR TO SHOW CAUSE WHY THIS CASE SHOULD NOT BE DISMISSED OR CONVERTED FOR FAILURE TO FILE A DISCLOSURE STATEMENT AND PLAN OF REORGANIZATION** was served upon the parties listed below by PACER/ECF or Regular United States Mail on the 7th day of October 2009.

**Lawrence J. Wedekind**  
19207 Clear Sky Dr.  
Kingwood, TX 77346-1664

**James R Clark**  
James R Clark & Assoc  
4545 Mt Vernon  
Houston, TX 77006

**OmniBank, N.A.**  
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11757 Katy Freeway  
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/s/ Stephen D. Statham

Stephen D. Statham